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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,565	09/24/2004	MING GUO		5564

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7590 03/31/2008

EXAMINER

DEBROW, JAMES J

ART UNIT	PAPER NUMBER
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2176

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/711,565	Applicant(s) GUO ET AL.	
	Examiner JAMES J. DEBROW	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communications: Application filed on 24 Sep. 2004.

Claims 1-3 are pending in this case. Claims 1 and 2 are independent claims.

Oath/Declaration

A new oath or declaration is required because *the oath has not been signed by the inventors*. The wording of an oath or declaration cannot be amended. If the wording is not correct or if all of the required affirmations have not been made or if it has not been properly subscribed to, a new oath or declaration is required. The new oath or declaration must properly identify the application of which it is to form a part, preferably by application number and filing date in the body of the oath or declaration. See MPEP §§ 602.01 and 602.02.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “[a] method for inducing new data to a web page” (see Line 1).

The limitation is indefinite in that it is unclear what is meant by “*inducing*” new data **to** a

web page. The term “induce” means to move by persuasion or influence. Thus, the verb “induce” makes little sense in the context of a web page.

Additionally, this limitation is indefinite because it is unclear what the intended scope of the recited “*new data*” is. The examiner searched the Specification for this phrase and was unable to find it. Applicant must amend the limitation to clarify the meaning and scope of the limitation.

Claim 1 recites “*said method comprising: containing, at least one dynamically loaded and updated web page*” (see Lines 2-3). The term “containing” renders the claim indefinite because it is unclear to the examiner of its meaning in this context. For example, it is unclear what “contains” the web page. Clarification is required in this matter.

Claim 1 includes many punctuation errors that make the scope of the claim unclear. These errors must be corrected.

Claim 1 recites “*manipulating, DOM (Document Object Model) components from within a web browser at the said client device in pursuant, but not limited to user input*” (see Lines 3-5). This limitation is indefinite because it is unclear whether the following phrase limits the scope of the limitation: “*in pursuant, but not limited to user input.*” Applicant must amend the limitation to clarify the scope of the limitation.

Claim 1 recites “*correlating, differences between different stages of each dynamic web page*” (see Lines 6-7). This limitation is indefinite because it is unclear what is meant by “different stages” of a dynamic web page. The examiner searched

the Specification for this phrase and was unable to find it. Applicant must amend the limitation to clarify the meaning and scope of the limitation.

Claim 1 recites “*enabling, operations on multiple said web pages parallelly*” (see Line 7). This limitation is indefinite because it is unclear what is meant by enabling operations on multiple web pages “*parallelly*.” The examiner searched the Specification for the term “*parallelly*” and was unable to find it. Applicant must amend the limitation to clarify the meaning and scope of the limitation.

Regarding Claim 2 and 3, the claims are narrative in form and replete with indefinite language. The steps/structure which goes to make up the method/device must be clearly and positively specified. The steps/structure must be organized and correlated in such a manner as to present a complete operative method/device. The claims must be in one sentence form only. Note the format of the claims in the patents cited.

Regarding claim 3, the phrase “such as” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by
Conboy et al. (Pub. No.: US 2006/0190561 A1; Effective Filing date: Jun. 19, 2002)
(hereinafter 'Conboy').**

Regarding independent claim 1, Conboy discloses *a method for inducing new data to a web page at a client device, said method comprising:*

containing, at least one dynamically loaded and updated web page (0046; 0080; 0120; Conboy discloses the web crawler performing analyses on dynamic and static content within a web page. The HTML document included in a web page is transformed into an XML document, from which a DOM having a tree structure representing elements of the HTML document is provided.).

manipulating, DOM (Document Object Model) components from within a web browser at the said client device in pursuant, but not limited to user input (0052; 0079; 0092; 0100; Conboy discloses the DOM itself provides methods that allow the data within the DOM to be retrieved, modified, deleted and added.).

apparatus for memorizing, recording the states of each web page into DOM (0046; 0080; 0052; Conboy discloses providing a DOM tree structure from an XML document generated from a HTML document of a webpage. Conboy also discloses the

user may use an input unit to initiate or terminate the crawling when the website is modified. Thus Conboy discloses memorizing, recording the states of each web page into DOM.).

correlating, differences between different stages of each dynamic web page (0076; Conboy discloses in order to perform the HTML to XML transformation, the HTML transformer removes duplicate attributes of the dynamic and static content within the web page.)

enabling, operations on multiple said web pages parallely (0056; 0058; 0066; 0120; Conboy discloses the web crawler performing analyses on dynamic and static content within a web page. Conboy discloses the website crawler may crawl web pages in parallel with other web pages.).

Regarding independent claim 2, Conboy discloses *a method for recording user interaction states on a user agent, which is a computer program, or web browser, such that an unlimited amount of said state information could be retained locally in the said user agent or web browser's volatile memory, without the need for the web application server, which is another computer program not necessarily residing on the same computer, to keep track of said state information in the said server's storage, by manipulating said user agent or web browser's in-memory Document Object Model tree or comparable tree structure, which is a rendered representation of data transmitted from said server, comprising any or a plurality of the following* (0052; 0121; Conboy discloses the user may use an input unit to initiate or terminate the crawling

when the website is modified. Conboy further discloses the web crawler system and virtual browser may be implemented by any hardware or software or a combination of hardware and software. Thus Conboy teaches a user agent, which is a computer program, or web browser.):

(a) creating new node tagged with attribute value equivalent to either "active" or "inactive" to said in-memory Document Object Model tree or comparable tree structure (0052; 0077; 0079; 0092; 0100; Conboy discloses the DOM itself provides methods that allow the data within the DOM to be retrieved, modified, deleted and added. Conboy also discloses in order to perform the HTML to XML transformation, the HTML transformer matches the case of start and end tags, terminate empty elements, closes non-empty elements, resolve tag nesting problems, add missing quotes around attribute values, remove duplicate attributes, eliminates attributes with no value, and provides a value. Using the broadest reasonable interpretation, the examiner concludes that attribute value provide by the HTML transformer could include but not be limited to attribute value equivalent to either "active" or "inactive" wherein creating new node.).

(b) removing existing node tagged with attribute value equivalent to either "active" or "inactive" from said in-memory Document Object Model tree or comparable tree structure (0052; 0077; 0079; 0092; 0100; Conboy discloses the DOM itself provides methods that allow the data within the DOM to be retrieved, modified, deleted and added. Conboy also discloses in order to perform the HTML to XML transformation, the HTML transformer matches the case of start and end tags,

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terminate empty elements, closes non-empty elements, resolve tag nesting problems, add missing quotes around attribute values, remove duplicate attributes, eliminates attributes with no value (*removing existing node tagged with attribute value equivalent to "inactive"*), and provides a value. Using the broadest reasonable interpretation, the examiner concludes that attribute value provide by the HTML transformer could include but not be limited to attribute value equivalent to either "active" or "inactive" wherein creating new node.).

(c) *tagging existing node with attribute value equivalent to either "active" or "inactive" from said in-memory Document Object Model tree or comparable tree structure* (0052; 0077; 0079; 0092; 0100; Conboy discloses the DOM itself provides methods that allow the data within the DOM to be retrieved, modified, deleted and added. Conboy also discloses in order to perform the HTML to XML transformation, the HTML transformer matches the case of start and end tags, terminate empty elements, closes non-empty elements, resolve tag nesting problems, add missing quotes around attribute values, remove duplicate attributes, eliminates attributes with no value, and provides a value. Using the broadest reasonable interpretation, the examiner concludes that Conboy's teaching of providing an attribute value, which could include but not be limited to an *equivalent to either "active" or "inactive"*, to be analogous to *tagging existing node with attribute value equivalent to either "active" or "inactive"*.).

Regarding dependent claim 3, Conboy discloses *a method of constructing a computer software system utilizing the method of claim 2, which comprises the steps of:*

(a) construct computer program instruction capable of being executed or interpreted by a user agent or web browser such that the execution or interpretation of the said instruction could result in the rendering of visual or textual data, which are transmitted from a web application server, on said user agent or web browser (0015; 0121; Conboy discloses providing a computer readable medium storing instructions or statements for use in a computer of the method of obtaining scripts related to web crawling. Providing a computer readable medium storing instructions or statements for use in a computer it has been established and well known in the art. Thus it would have been inherent to one of ordinary skill in the art to construct computer program instruction capable of being executed or interpreted by a user agent or web browser such that the execution or interpretation of the said instruction could result in the rendering of visual or textual data, which are transmitted from a web application server, on said user agent or web browser.).

(b) construct computer program instruction capable of being executed or interpreted by a user agent or web browser that could perform manipulation of in-memory Document Object Model tree or comparable tree structure on said user agent or web browser, such as described in claim 2, and associate or register said computer program instruction with designated Document Object Model tree node that is rendered as visual presentation element that computer user could interaction with and thereby

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cause or initiate the execution or interpretation of said instruction on said user agent or web browser (0015; 0121; Conboy discloses providing a computer readable medium storing instructions or statements for use in a computer of the method of obtaining scripts related to web crawling. Providing a computer readable medium storing instructions or statements for use in a computer it has been established and well known in the art. Thus it would have been inherent to one of ordinary skill in the art to construct computer program instruction capable of being executed or interpreted by a user agent or web browser that could perform manipulation of in-memory Document Object Model tree or comparable tree structure on said user agent or web browser, such as described in claim 2, and associate or register said computer program instruction with designated Document Object Model tree node that is rendered as visual presentation element that computer user could interaction with and thereby cause or initiate the execution or interpretation of said instruction on said user agent or web browser.).

(c) construct computer program instruction that could be executed or interpreted on a web application server which generates output data in the form of computer program instruction such as (a) and (b) described in above steps and transmits them to user agent or web browser that requests said data (0015; 0121; Conboy discloses providing a computer readable medium storing instructions or statements for use in a computer of the method of obtaining scripts related to web crawling. Providing a computer readable medium storing instructions or statements for use in a computer it has been established and well known in the art. Thus it would have been inherent to

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one of ordinary skill in the art to construct computer program instruction that could be executed or interpreted on a web application server which generates output data in the form of computer program instruction such as (a) and (b) described in above steps and transmits them to user agent or web browser that requests said data.).

NOTE

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art.

See MPEP 2123.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JAMES DEBROW
EXAMINER
ART UNIT 2176

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